

REMARKS

Claims 1-5 and 9 are pending in the application, and are rejected. Claim 1 is herein amended. No new matter has been entered.

Claim Rejections - 35 U.S.C. §102

Claims 1-5 and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,250,369 to Yuasa et al.

The Examiner is apparently interpreting the phrase of claim 1, “an aqueous polymeric material except fluorocarbon resin is applied thereon” as meaning that *at least one component* of the coating does not include fluorocarbon resin, and this creative interpretation includes a mixture of a fluorocarbon resin and a non-fluorocarbon resin. To overcome this interpretation, Applicants herein clarify claim 1 to read, “wherein an aqueous polymeric material ~~except~~ **not including a** fluorocarbon resin is applied thereon”. This language precludes the claim from reading upon a mixture including a fluorocarbon resin. Applicants submit that such an amendment is for clarification only, and does not require additional search or consideration to effect its entry on the record.

Applicants maintain that the rejection is improper because not all of the claimed limitations are taught or suggested by the cited references.

With respect to Example 7, the Examiner characterizes Applicants’ arguments as asserting that the only difference between the claimed invention and that of the cited reference is that the polyethylene in Yuasa et al. is “not applied as an aqueous polymeric material”. The Examiner asserts that “the present claim language is also silent as to how the coating layer is applied, and that there is no showing of objective evidence demonstrating that the claimed

product is necessarily different from the product of Yuasa et al. and that such difference is unobvious as required for product-by-process claim limitations.”

Applicants emphasize that the polyethylene for coating in Yuasa et al. is not “applied as an aqueous polymeric material” as claimed in the present invention. Example 7 of Yuasa et al. discloses “polyethylene as a hydrophobic resin”.

The Examiner states Applicants’ previous arguments are not persuasive because the Example 20 of Yuasa et al. illustrates a hydrogen-absorbing alloy negative electrode coated with FEP by dipping a negative electrode plate into a dispersion solution prepared by dispersing FEP powder into an aqueous solution. However, Applicants submit that that the FEP in Yuasa et al. is not an aqueous polymeric material. The FEB is a hydrophobic resin not an aqueous polymeric material as disclosed online 14 of the Example 1. The solution disclosed in Yuasa et al. is a dispersion solution prepared by merely dispersing hydrophobic resin powder into an aqueous solution. Therefore, Applicants submit that it is impossible to derive the present invention disclosing an aqueous polymeric material applied for forming a coating layer from the disclosure of Yuasa et al., which does not teach or suggest an aqueous polymeric material for forming a coating layer.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

Response under 37 C.F.R. §1.116
Attorney Docket No. 010829
Serial No. 09/893,703

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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